

To 1st
Circuit Court

Tables

5

CC-04-347

Motion To Dismiss THE INDICTMENT

GRAND JURY No: 503-504-507-508-509

STATE OF ALABAMA FILED IN OFFICE CASE NO: 2603-418-~~419~~⁵⁰₁₈₇

V.

OCT 27 2004

STATE OF ALABAMA

LARYIE EARL JONES

IN the CIRCUIT COURT
of Covington COUNTY

THE DEFENDANT LARYIE EARL JONES (Pro, se), MOVES THAT
THE INDICTMENT BE DISMISSED ON THE FOLLOWING GROUNDS:

1. THE INDICTMENT DOES NOT STATE FACTS SUFFICIENT TO CONSTITUTE
AN OFFENSE.

2. THE INDICTMENT IS LEGALLY INSUFFICIENT IN THAT;
DEFENDANT OBJECTIONS TO THE VENIRE, THE LACK OF LEGAL
QUALIFICATIONS OF AN INDIVIDUAL GRANT JUROR, THE LEGAL INSUFFICIENCY
OF THE INDICTMENT, AND FAILURE OF THE INDICTMENT TO CHARGE
AN OFFENSE, ON JUNE 22, 2004, COUNT ONE, COUNT TWO,
WHERE DEFENDANT WAS CHARGE IN THE INDICTMENT, THE
CHARGES IS DEFECT, AND THE INDICTMENT SHOULD BE
DISMISS AND QUASH, AND APPROPRIATE RELIEF BE GRANT, AS
PROVIDED IN THIS RULE, 13.5. THE FACTS ON JUNE 22,
2004, THAT NIGHT DEFENDANT WERE UNLAWFUL SEARCH, OFFICERS
DID A PACK DOWN AND HIS CAR WERE SEARCH, NOTHING
WERE FOUND ILLEGALLY ON THE DEFENDANT, OR IN HIS
POSSESS. THEREFORE OFFICERS DID NOT GET NOTHING OFF
THE DEFENDANT doing THE SEARCH, ON COUNT ONE AND
TWO, IT ADMISSIBILITY OF EVIDENCE, INDICTMENT
SHOULD BE DISMISS, UNDER RULE 13.5(1)(B) Provides

A REQUIREMENT that the defect be PREJUDICIAL to the defendant before it will be FATAL to A CONVICTION.

3. THIS CODE SECTION REFLECTS THE COMMON LAW VIEW THAT AN INDICTMENT CANNOT BE AMENDED EVEN AS TO IMMATERIAL MATTER, WITHOUT THE CONSENT OF THE DEFENDANT, AND IT HAS BEEN CONSISTENTLY HELD TO PERMIT AMENDMENT WITHOUT SUCH CONSENT IS REVERSIBLE ERROR. FERN V. CITY OF HUNTSVILLE, [MS. 8 DIV. 450, MARCH 16, 1990] - SO. 2d - (ALA. CRIM. APP. 1990).

4. COUNT ONE, COUNT TWO IS A NEW OFFENSES IN THE ORIGINAL INDICTMENT, COUNT THREE, AND COUNT FOUR, DEFENDANT WAS INDICTED ON SEPTEMBER 28, 2003, INDICTMENT SHOULD BE DISMISS, WHEREAS, THE CHIEF JUSTICE OF THE SUPREME COURT OF ALABAMA APPOINTED COMMITTEES OF CIRCUIT COURT JUDGES AND DISTRICT COURT JUDGES TO STUDY AND RECOMMEND TIME STANDARDS OR GOALS FOR THE PROCESSING OF CASES IN ALABAMA'S TRIAL COURTS.

5. STANDARDS RELATING TO DELAY REDUCTION, ^{FILED IN OFFICE OF OCT 27 2004}

III. CRIMINAL. CIRCUIT FELONY, NINETY PERCENT OF ALL CIRCUIT FELONY CASES SHOULD BE ADJUDICATED OR OTHERWISE CONCLUDED WITHIN 9 MONTHS FROM THE DATE OF ARREST AND 100% WITHIN 12 MONTHS. IN SOME INSTANCES, THERE ARE REASONS BEYOND THE COURT'S CONTROL WHICH CONTRIBUTE TO THE WIDE DISPARITY FROM CIRCUIT TO CIRCUIT IN THE AVERAGE AMOUNT

OF TIME REQUIRED TO DISPOSE OF PARTICULAR TYPES OF CASE, IN RECOGNITION OF THIS FACT, SOME OF THE RECOMMENDED STANDARDS, THEREFORE, MAY PROVIDE GREATER LENGTHS OF TIME THAN THE AVERAGE AMOUNT OF TIME GENERALLY REQUIRED TO DISPOSE OF A PARTICULAR TYPE OF CASE IN A PARTICULAR CIRCUIT. HOWEVER IT IS CERTAINLY NOT INTENDED THAT THESE STANDARDS BE CONSTRUED TO SUGGEST THAT MORE TIME SHOULD BE TAKEN IN REFERENCE TO SUCH CASES. DEFENDANT REQUEST THAT THE INDICTMENT BE DISMISSED. *MAYBERRY V. STATE, 48 AIA, APP. 276, 244 So.2d 198 (1971)*.

6. AMONG THE GRAND JURORS WHICH RETURNED THE INDICTMENT THE FOLLOWING WERE NOT QUALIFIED TO SERVE; HERE LIST OF THE INDIVIDUAL GRAND JUROR AND DISQUALIFICATION, *NORMA P. DAY*.

7. THE GRAND JUROR WHICH RETURNED THE INDICTMENT SET DEFENDANT BAIL FIXED AT \$200,000 FOR TWO CLASS (C) FELONY, AND TWO CLASS (A) MISDEMEANOR ALL OF WHICH PREJUDICES THE SUBSTANTIAL RIGHTS OF THE DEFENDANT, AND ACT UNREASONABLY AND ARBITRARILY, BAIL IS "EXCESSIVE".

10-23-04

DATE

FILED IN OFFICE

OCT 27 2004

George E. Jones

DEFENDANT PRO. SE.

SERVICE ON THIS THE 23TH

RULES 13.5 And 14.2

DAY OF OCT, 2004. *George Jones*

I CERTIFY THAT A COPY OF THE FOREGOING PLEADING HAS BEEN SERVED UPON THE STATE OF ALABAMA AND/OR D.A FOR ALL PARTIES TO THIS PROCEED BY MAILING THE SAME TO EACH BY FIRST CLASS UNITED STATES MAIL PROPERLY ADDRESSED POSTED PREPAID.

**COURT OF CRIMINAL APPEALS
STATE OF ALABAMA**

H. W. "BUCKY" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges



Lane W. Mann
Clerk
Sonja McKnight
Assistant Clerk
(334) 242-4590
Fax (334) 242-4689

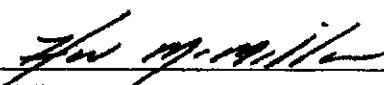
CR-04-2480

Laryie Earl Jones v. State of Alabama (Appeal from Covington Circuit Court:
CC03-187, CC03-418, CC03-419; CC04-347)

ORDER

Upon consideration of the above referenced appeal, the Court of Criminal Appeals orders that said appeal be and the same is hereby DISMISSED as a non-appealable order. Having this date dismissed said appeal, the Court further orders that the certificate of judgment shall issue forthwith.

Done this the 15th day of September, 2005.


H.W. "Bucky" McMillan, Presiding Judge
Court of Criminal Appeals

cc: Hon. M. Ashley McKathan, Circuit Judge
Hon. Roger A. Powell, Circuit Clerk
Lora Price, Court Reporter
A. Riley Powell, IV, Attorney
Office of Attorney General

**THE STATE OF ALABAMA -- JUDICIAL DEPARTMENT
THE ALABAMA COURT OF CRIMINAL APPEALS**

CR-04-2480

Laryie Earl Jones v. State of Alabama (Appeal from Covington Circuit Court:
CC03-187, CC03-418, CC03-419; CC04-347)

CERTIFICATE OF JUDGMENT

To the Clerk of the above noted Trial Court, Greetings:

WHEREAS, the appeal in the above-referenced cause has been
considered by the Court of Criminal Appeals; and

WHEREAS, an order was issued this date in said cause containing
the judgment indicated below:

Appeal Dismissed

NOW, THEREFORE, pursuant to Rule 41 of the Alabama Rules of
Appellate Procedure and the order of dismissal, it is hereby
certified that the aforesaid judgment is final.

Witness. Lane W. Mann, Clerk
Court of Criminal Appeals, on this
the 15th day of September, 2005.



Lane W. Mann
Clerk
Court of Criminal Appeals
State of Alabama

cc: Hon. M. Ashley McKathan, Circuit Judge
Hon. Roger A. Powell, Circuit Clerk
A. Riley Powell, IV, Attorney
Office of Attorney General

Alabama Court of Criminal Appeals Docket Sheet**CR-04-2480**APP : Motion for Change of Venue or to Dismiss Indictmen**CR-04-2480**

Laryie Earl Jones v. State of Alabama (Appeal from Covington Circuit Court: CC03-187, CC03-418, CC03-419; CC04-347)

Date Order Entered

08/25/2005

Ruling

Denied

Indigent

Notice of Appeal : 09/08/2005Docketed 09/13/2005 DI
Last Updated / / DI**Post Judgment Motions****Attorneys & Officials**

Circuit Judge	M. Ashley McKathan	Andalusia, AL (334) 428-2585
Circuit Clerk	Roger A. Powell	Andalusia, AL (334) 428-2520
Ct. Reporter	Lora Price	Andalusia, AL (334) 428-2505
Atty. for Aplt.	A. Riley Powell, IV	Andalusia, AL (334) 222-4103

Case Actions / Postings

09/13/2005 FILING NOTICE SENT TO COURT REPORTER.
09/13/2005 Informational Notice to Appellant/Docket Sheet to Appellee.

END OF DOCKETING INFORMATION

REV. 4/1/97

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

Laryie Earl Jones

APPELLANT'S NAME
(as it appears on the indictment)

V.

 XXX

STATE OF ALABAMA

 CITY OF

APPELLEE

 CIRCUIT DISTRICT JUVENILE COURT OF
CIRCUIT/DISTRICT/JUVENILE JUDGE: M Ashley McKathan, Circuit JudgeCovington
COUNTY

DATE OF NOTICE OF APPEAL: September 8, 2005

(NOTE: If the appellant is incarcerated and files notice of appeal, this date should be the date on the certificate of service, or if there was no certificate of service, use the postmark date on the envelope.)

INDIGENCY STATUS:

Granted Indigency Status at Trial Court:

 Yes No

Appointed Trial Counsel Permitted to Withdraw on Appeal:

 Yes No

Indigent Status Revoked on Appeal:

 Yes No

DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed?

 Yes No

TYPE OF APPEAL: (Please check the appropriate block.)

State Conviction Pretrial Appeal State
 Rule 32 Petition Contempt Adjudication Juvenile Transfer Order
 Probation Revocation Municipal Conviction Juvenile Delinquency
 Mandamus Petition Writ of Certiorari Habeas Corpus Petition
 Other (specify) _____

Juvenile Transfer Order
 Juvenile Delinquency
 Habeas Corpus Petition
 Other (specify) _____

IF THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC.) OR FROM ANY OTHER ORDER ISSUED BY THE TRIAL JUDGE, COMPLETE THE FOLLOWING:

TRIAL COURT CASE NO.: CC-03-187, 418, 419, & CC-04-347

DATE ORDER WAS ENTERED:

PETITION: Dismissed Denied Granted

IF THIS IS AN APPEAL FROM A CONVICTION, COMPLETE THE FOLLOWING:

DATE OF CONVICTION:

DATE OF SENTENCE:

YOUTHFUL OFFENDER STATUS:

Requested: Yes No Granted: Yes No

LIST EACH CONVICTION BELOW: (attach additional page if necessary)

1. Trial Court Case No. _____ CONVICTION: _____
 Sentence: _____

2. Trial Court Case No. _____ CONVICTION: _____
 Sentence: _____

3. Trial Court Case No. _____ CONVICTION: _____
 Sentence: _____

POST-JUDGMENT MOTIONS FILED: (complete as appropriate)

Motion for New Trial Date Filed _____ Date Denied _____ Continued by Agreement To (Date) _____
 Motion for Judgment of Acquittal _____
 Motion to Withdraw Guilty Plea _____
 Motion in Arrest of Judgment _____
 Other _____

COURT REPORTER(S): Lora Price

ADDRESS: Covington County Courthouse
Andalusia, AL 36420APPELLATE COUNSEL: A Riley Powell IV
ADDRESS: P O Box 969APPELLANT: (IF PRO SE) AIS# _____
ADDRESS: Covington County Jail

(deft filed appeal)

APPELLEE (IF CITY APPEAL):
ADDRESS: 290 Hillcrest Jail, Andalusia, AL 36420I certify that the information provided above is accurate
to the best of my knowledge and I have served a copy of this
Notice of Appeal on all parties to this action on
this 8th day of September 2005.

CIRCUIT COURT CLERK

IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

LARYIE EARL JONES,

APPELLANT,

v.

STATE OF ALABAMA,

APPELLEE.

CASE NO: CC-2003-187-418-419

CL-2004-347

NOTICE OF APPEAL TO THE COURT
OF CRIMINAL APPEAL OF
ALABAMA

COME NOW THE APPELLANT LARYIE EARL JONES, PRO, SE, MOVES THE COURT TO APPEAL HIS MOTION FOR CHANGE OF PLACE OF TRIAL OR DISMISS THE INDICTMENT. THIS COURT DENIED MOTION AUG-25-05, APPELLANT REQUEST THAT HIS MOTION BE APPEAL TO THE COURT OF CRIMINAL APPEAL AT THE EARLIEST POSSIBLE TIME.

RESPECTFULLY SUBMITTED THIS THE 31 day of AUG, 2005

Laryie Earl Jones
SIGNATURE OF APPELLANT



FILED IN OFFICE

SEP 08 2005

Rec'd in Court *100*

IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

EX PARTE LARYIE EARL JONES,

PETITIONER,

v

CASE NO. CC 2003-418-419-18

STATE OF ALABAMA,

DEFENDANT,

RESPONDENT.

"FOR WRIT OF HABEAS CORPUS"

COME NOW LARYIE EARL JONES, PRO SE, AND PETITIONS THE ABOVE-NAMED COURT FOR A WRIT OF HABEAS CORPUS TO PREMISE. CONSIDERED OF ACTION SHOULD BE TAKING, OF COVINGTON COUNTY CIRCUIT COURT AND SHOWS THE FOLLOWING IN SUPPORT OF THIS PETITION.

ON OR ABOUT SEP, 17, 2002, PETITIONER WERE ARRESTED AND CHARGED WITH POSSESSION OF DRUG PARAPHENALIA, SEE ATTACH SHEETS, ALABAMA UNI ARREST REPORT PAGE ONE, ALSO SEE PAGES TWO & THREE, ON ALL THREE CHARGES, THE PARAPHENALIAS WERE SENT TO DEPARTMENT OF FORENSIC SCIENCES, TO BE TESTED FOR RESIDUE. ALL THREE CAME BACK POSITIVE, PETITIONER WERE CHARGED THREE COUNTS POSSESSION OF CONTROLLED SUBSTANCE AND CLASS (C) FELONIES AND THREE CLASS (A) MISDEMEANOR.

FACTS

2. THE UNSENTENCED PETITIONER IS BEING HELD IN THE COVINGTON COUNTY JAIL, SINCE JUNE 22, 2004, WITH AN EXCESSIVE BAIL OF \$200,000. PETITIONER REQUEST THAT HE BE RELEASED BECAUSE HE ALLEGES THAT HE HAS BEEN DEPRIVED OF HIS SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL, BY STATE'S FAILURE TO TIMELY BRING HIM TO TRIAL ON ALL CHARGES. HE AVERS THAT HE HAS FILED MOTIONS TO DISMISS THE INDICTMENT, ON FILE NOV 3, 2004. AND PETITIONER FILED MOTION FOR BOND REDUCTION OCT 23 2004. PETITIONER ENCLOSE COPY, FOR THE COURTS NO ANSWER OR RETURN WAS FILED BY THE STATE REFUTING THE ALLEGATIONS OF THE MOTIONS; THUS, FOR THE PURPOSE OF THESE PROCEEDINGS, THE ALLEGATIONS MUST BE TAKEN AS TRUE, AND THAT THE STATE OF ALABAMA HAS FAILED TO MAKE A GOOD FAITH EFFORT TO BRING HIM TO TRIAL. HE CLAIMS WHILE INCARCERATED AT COVINGTON COUNTY JAIL OR BEFORE HE BECAME INCARCERATED WITH AN EXCESSIVE \$200,000 BAIL. MOTION FOR FAST AND SPEEDY TRIAL FILED OCT 29, 2004. ENCLOSE COPY.

3. THE SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL IS ENFORCED AGAINST THE STATES BY VIRTUE OF THE FOURTEENTH AMENDMENT. Smith v. Hoey, 393 U.S. 374 89 S. Ct. 5175, 21 L. Ed. 2d 60 (1969). THIS CONSTITUTIONAL GUARANTEE HAS UNIVERSALLY BEEN THOUGHT ESSENTIAL TO PROTECT AT LEAST THREE BASIC DEMANDS OF CRIMINAL JUSTICE IN THE ANGLO-AMERICAN LEGAL SYSTEM: (1) TO PREVENT UNNECESSARY AND OPPRESSIVE INCARCERATION PRIOR TO TRIAL, (2) TO MINIMIZE ANXIETY AND CONCERN ACCOMPANIED BY A TRIAL.

To limit the possibilities that long delay will impair the ability of an accused to defend himself, these demands are both aggravated and compounded in the case of an accused who is imprisoned and that's grounds to be release from "Cust. Petitioner Constitutional Right to a speedy trial is violated may be granted relief by habeas corpus where his motion for dism. is denied and no other remedy is available, BLAKE V. STATE 448 So. 2d 948 (Ala. Cr. App. 1984). Also see United States Co. SERVICE, CRIMES AND CRIMINAL PROCEDURE, 2421 - 3530 - Title (18 U. S. C. S, CHAPTER - 208, SPEEDY TRIAL SECTIONS - 3161(A-F-H), -3162-(A-2-B-4) - 3163 -(B-1-2-C-1) - 3164(A-B-C), (SANCTIONS) (VIOLATION) STATE HAS FAILED TO COMPLY - CRIMES AND CRIMINAL PROCEDURE RULES, THAT OF FOR PETITIONER TO BE RELEASE FROM "CUSTODY" ALSO SEE THE RULES OF EVIDENCE - RULE 403. GROUNDS OF PREJUDICE, CONFUSION, AND WASTE OF TIME. THERE'S EVIDENCE EXCLUDED BY THE STATE IF PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE CONFUSION OF ISSUES OF THE INDICTMENT AND THE JURY WERE MISLEADING IN SETTING AN EXCESSIVE \$200,000 BAIL, BY CONSIDERATION OF UNDUE DELAY, BECAUSE OF SANCTIONS VIOLATION THERE SHOULD NOT BE A TRIAL, IT A WASTE OF TIME PETITIONER SAID IF HE DON'T GET THE DISMISSAL OF THE INDICTMENT, HE WILL GO HIGHER TO NEXT COURT.

"Relief Sought"

4. PETITIONER HAS BEEN OUT ON THE SAME BAIL A YEAR 1/2, THE ST
 HAD A CONSTITUTIONAL DUTY TO MAKE A DILIGENT, GOOD FAITH E
 TO BRING HIM TO TRIAL FOR THE CHARGES, STATE'S FAILED TO.
 PETITIONER WAS LABELED AS A KNOW DRUG ADDICTS IN THE YEAR
 OF 2002, THAT WHEN HE GOT THIS CHARGES, PETITIONER DID
 SEEK FOR HELP THANK TO THE JAIL, THE PETITIONER FOUND
 A PROGRAM NEW LIFE CENTER CHRISTIAN RECOVERY PROGRAM
 317 NORTH MAIN STREET ENTERPRISE, AL 36330. AT THE
 TIME HON. GRADY LANIER WERE PETITIONER ATTORNEY. THE ST
 SHOW PREJUDICE BY REFUTE OR ALLOW NOT TO BE RELEASE. PETIT
 ENCLOSE THE LETTER PAGE ④ FOUR EXCESSIVE \$200,000
 BAIL, SEE AMEND. 8 NOTE 47B EXCESSIVE BAIL, ETC. PAGE 2
 ALCOHOLICS AND DRUG ADDICTS SHOULD NOT BE PERMITTED TO GO
 THROUGH WITHDRAWAL IN COUNTY JAIL WITHOUT PROPER MEDICAL
 ATTENTION AND CARE IN A SUITABLY EQUIPPED MEDICAL FACILITY
 THEREAFTER THEY SHOULD NOT BE INCARCERATE IN MAIN COUNTY
 JAIL BUT RATHER SHOULD BE DIVERTED TO INCARCERATION AT
 COUNTY REHABILITATION CENTER OR OTHER AVAILABLE
 SITES UNDER THE GUIDANCE OF PROPERLY TRAINED PERSONNEL.
 THE DENIAL PETITIONER RIGHTS TO REHABILITATION CENTER
 PREJUDICE THE PETITIONER. ALBERTI V. SHERIFF OF HARR
 COUNTY, TEXAS D.C. TEX. 1975, 406 F. SUPP. 649.

"Relief Sought"

5. AT HEART OF 18 U.S.C.S 3601 ET SEQ AND A.R.A STANDAR

cc

RELIEF SOUGHT

IS PRINCIPLE THAT PETITIONER MUST BE DISCHARGED IF NOT BROUGHT TO TRIAL WITHIN SPECIFIED NUMBER OF DAYS; SUCH ABSOLUTE TIME PRESSURE, LEADING TO DISMISSAL OF INDICTMENT IF SCHEDULE IS VIOLATED, ARGUABLY SUGGEST AND MAY EVEN REQUIRE EXCEPT TO SCHEDULE FOR CERTAIN VARIABLES NOT SUBJECT TO STRICT CONTROL BY TRIAL COURT MANAGERS. DAY V. UNITED STATES (1978, DIS C APP) 390 A 2d 957. CONGRESS HAS FORMALIZED CONCERN OVER DELAY IN DISPOSITION OF CRIMINAL CASE BY ENACTMENT OF SPEED TRIAL ACT OF 1974 (18 U.S.C.S 3161 ET SEQ), AND COURT HAS DEMONSTRATED ITS CONCERN FOR MINIMIZING UNDUE DELAY IN DISPOSITION OF CRIMINAL CASE BY ADOPTING PLAN TO ACHIEVE THIS DESIRED GOAL PURSUANT TO RULE 50 (B); THEREFORE MOTION OF PETITIONER TO DISMISS INDICTMENT PURSUANT TO RULE 48 (B) TO BE GRANTED. UNITED STATES V. DOWL (1975, DC MINN) 394 F SUPP 1250. RELIEF SHOULD BE SOUGHT IN THIS CASES

6. REASONS WHY THE WRIT SHOULD ISSUE,
A. PETITIONER HAS BEEN IN AND OUT OF JAIL SINCE THE YEAR OF 2002, EACH TIME HE WOULD BE INCARCERATED (4) MONTHS OR MORE THEM MONTHS ADD UP OVER A YEAR OR MORE.

B. PETITIONER HAS SUFFER A LOTS OF PAIN, AND HIS HOSTS, HE JUST WANT TO GET ON WITH HIS LIFE HIS FAMILY AND LOVE ONES MISS HIM AND NEED HIM

REASON WHY THE WRIT SHOULD ISSUE
AND HIS SUPPORT, SINCE HIS INCARCERATION HIS FAMILY
SUFFER HARSHIP. MOSTLY WHY THE WRIT SHOULD ISSUE
PETITIONER HAS SUFFER PREJUDICE BY THE STATE'S, STATES
DEPRIVED PETITIONER OF HIS SIXTH AMENDMENT RIGHT TO A
SPEEDY TRIAL, BY FAILURE TO TIMELY BRING HIM TO TRIAL,
THE STATE'S PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHED
BY THE DANGER OF UNFAIR PREJUDICE IN SETTING AN EXCESSIVE
\$200,000 BAIL, SO PETITIONER COULD NOT MAKE BAIL TO
GO TO REHABILITATION CENTER, STATE'S VIOLATE SANCTIONS

(REASON WHY THE WRIT SHOULD ISSUE.)

C. THE ^{STATES} SHOULD HAVE MADE A RULING ON MOTION TO
DISMISS THE INDICTMENT OR RULE ON MOTION TO
REDUCE BOND. THE ^{STATES} SHOULD HAVE MADE A RULING ON ALL
MOTIONS THAT PETITIONER FILED IN THE CIRCUIT COURT.

(REASON WHY THE WRIT SHOULD ISSUE.)

D. THE PETITIONER WOULD LIKE TO LEAVE THE STATE OF
ALABAMA, THAT'S WHY THE WRIT SHOULD ISSUE
SO PETITIONER AND HIS FAMILY CAN GET ON WITH
THEIR LIVES, THE INDICTMENT SHOULD BE DISMISSED, SO
PETITIONER AND HIS FAMILY COULD GET ON WITH THEIR LIVES.

E. PETITIONER HAS ^{TIME} DID ALL HIS ^{TIME} FOR DRUG PARAPHENALIA A MISDE
TIME SERVE, "THE WRIT SHOULD ISSUE," BECAUSE
OF THE FACTS, THAT THE PETITIONER SHOULD BE RELEASED
FROM HIS UNLAWFUL INCARCERATION.

RESPECTFULLY SUBMITTED THIS THE 28 DAY OF FEB. 2005
WHEREFORE, THE PREMISES CONSIDERED, PETITIONER PRAYS
THE COURT GRANT THE PETITION AND ORDER THAT AN ANSWER
TO THE PETITION BE FILED BY RESPONDENTS, AT THE EARLIEST
TIME POSSIBLE.

I CERTIFY THAT I HAVE THIS THE 28 DAY OF FEB
2005, SERVED COPIES OF THIS PETITION ON THE RESPONDENT
JUDGE AND ALL OTHER PARTIES TO THE ACTION IN THE TRIAL
COURT.

Suzie Earl Farmer
PETITIONER.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE WRITTEN
HABEAS CORPUS PETITION IS TRUE AND CORRECT.

FEB 26 2005

DATE

Suzie Earl Farmer
PETITIONER.

NAME AS RESPONDENTS, INCLUDE COURT OF CRIMINAL APPEALS STATE OF ALABAMA, WITH COURT EVIDENCING, THAT CONFORMS TO THE DIRECTIVES OF RULE 21(C).
CERTIFICATE OF SERVICE 186649

I CERTIF' THAT A COPY OF THE FOREGOING, HABEAS CORPUS, PETITION HAS BEEN SERVED ON EACH OF THE PARTIES NAMED AS RESPONDENTS / OR FOR ALL PARTIES TO THIS PROCEED BY MAILING THE SAME TO EACH BY FIRST CLASS UNITED STATES MAIL PROPERLY ADDRESSED AND POSTED PREPAID OR BY PERSONAL SERVICE ON THIS 15 DAY OF MAR 2005, BECAUSE OF THIS HABEAS CORPUS, PETITION, PETITIONER IS BEING HELD WITHOUT AN BAIL, Sydney Earl Smith THE REASON IS UNKNOWN, WHY? Petitioner.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

MAR 15 2005

DATE

Sydney Earl Smith
Petitioner.

RESPONDENTS ADDRESS,

HON. M. ASHLEY McCHATHAN, CIRCUIT JUDGE - Covington County COURTHOUSE, ANDALUSIA, AL 36420.

HON. ROGER H. POWELL, CIRCUIT CLERK - Covington County COURTHOUSE, ANDALUSIA, AL 36420.

LOREN PRICE, COURT REPORTER - Covington County COURTHOUSE ANDALUSIA, AL 36420.

SYDNEY ALBERT SMITH, ATTORNEY - P.O. DRAWER 389, ELBA, AL 36323.

HON. EUGENIA L. LOGGINS, DISTRICT ATTORNEY - Covington County COURTHOUSE ANDALUSIA, AL 36420.

HON. TROY KING, ATTORNEY GENERAL - 11 SOUTH UNION STREET, MONTGOMERY, AL 36130 - 0152.